108TH CONGRESS 1ST SESSION

H. R. 2437

To provide for grants to State child welfare systems to improve quality standards and outcomes, to increase the match for private agencies receiving training funds under part E of title IV of the Social Security Act, and to authorize the forgiveness of loans made to certain students who become child welfare workers.

IN THE HOUSE OF REPRESENTATIVES

June 11, 2003

Mr. Stark (for himself, Mr. Rangel, Mr. Cardin, Mr. McDermott, Mr. George Miller of California, Mr. Cooper, Mr. Frost, Ms. Lee, Mr. Lantos, Ms. Millender-McDonald, Mr. Serrano, and Mr. Wexler) introduced the following bill; which was referred to the Committee on Ways and Means, and in addition to the Committee on Education and the Workforce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

To provide for grants to State child welfare systems to improve quality standards and outcomes, to increase the match for private agencies receiving training funds under part E of title IV of the Social Security Act, and to authorize the forgiveness of loans made to certain students who become child welfare workers.

- 1 Be it enacted by the Senate and House of Representa-
- 2 tives of the United States of America in Congress assembled,

1 SECTION 1. SHORT TITLE.

2	This Act may be cited as the "Child Protection Serv-
3	ices Workforce Improvement Act".
4	SEC. 2. CHILD WELFARE SERVICE QUALITY IMPROVEMENT
5	GRANTS.
6	Part B of title IV of the Social Security Act (42
7	U.S.C. 620–629i) is amended by adding at the end the
8	following:
9	"Subpart 3—Supporting Quality Front Line Workers
10	"SEC. 440. CHILD WELFARE SERVICE QUALITY IMPROVE-
11	MENT GRANTS.
12	"(a) In General.—The Secretary, acting through
13	the Administration of Children and Families, shall make
14	grants to States to improve the quality of child welfare
15	services by increasing the quality and capacity of their
16	child welfare workforce or by increasing the coordination
17	of their child welfare services.
18	"(b) Applications.—
19	"(1) Contents.—A State desiring to receive a
20	grant under this section shall submit to the Sec-
21	retary an application that includes the following:
22	"(A) Plan.—A detailed description of how
23	the State would use the grant, during the 5-
24	year period beginning with the date the grant
25	is received, to improve working conditions of
26	child welfare workers in any agency providing a

service under the State plan approved under subpart 1 or 2 of part B or part E in 1 or more ways described in paragraph (2), and an explanation of how doing so would help the State achieve the outcomes set forth in the Final List of Child Welfare Outcomes and Measures (64 Fed. Reg. 45552–45554).

- "(B) BASELINE DATA ON STATE-SE-LECTED INDICATORS.—The information described in those subparagraphs of paragraph (3) which describe the indicators that the State intends to improve on using the grant, with respect to all child welfare agencies in the State for the fiscal year preceding the first fiscal year for which the grant is requested.
- "(C) Budget showing how the State would expend funds (including any grant funds provided under this section) for child welfare services or the improvement of the services.
- "(2) Ways to improve working conditions.—The ways described in this paragraph to improve working conditions of child welfare workers are the following:
- 24 "(A) Increase the wages of supervisory and
 25 nonsupervisory child welfare workers.

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1	"(B) Increase the number of State super-
2	visory and nonsupervisory staff working on
3	strengthening and preserving families and im-
4	proving child well-being, permanency, and safe-
5	ty.
6	"(C) Reduce the turnover rate for super-
7	visory and nonsupervisory child welfare workers
8	in the State, and the number of supervisory and
9	nonsupervisory staff vacancies in child welfare
10	agencies.
11	"(D) Improve the formal education and
12	training of supervisory and nonsupervisory child
13	welfare workers.
14	"(E) Increase the number of supervisory
15	and nonsupervisory child welfare workers who
16	have graduated from an institution of higher
17	education in such fields of study as the Sec-
18	retary determines are related to the delivery of
19	child welfare services.
20	"(F) Coordinate training, recruitment, and
21	retention strategies for child welfare workers.
22	"(G) Provide educational scholarships for
23	fields of study relevant to the purposes of parts

B and E in return for substantial service.

1	"(H) Implement strategies to increase the
2	safety of child welfare workers.
3	"(I) Enable the State child welfare agen
4	cies to coordinate the provision of services with
5	State and local health care agencies, State and
6	local alcohol and drug abuse prevention and
7	treatment agencies, State and local menta
8	health agencies, State and local housing agen
9	cies, State and local agencies administering the
10	Temporary Assistance for Needy Families pro
11	gram, and other welfare agencies to promote
12	child safety, permanence, and family stability.
13	"(J) Provide training to improve the abil
14	ity of child welfare workers to include and in
15	volve families in planning decisions for children
16	served by State child welfare agencies.
17	"(3) Description of Baseline Data.—The
18	data described in this paragraph are the following
19	"(A) The average salary of supervisory
20	child welfare workers, and of nonsupervisory
21	child welfare workers.
22	"(B) The average number of children or
23	families, per caseworker—

l	"(1) for caseworkers who provide serv-
2	ices for abused or neglected children and
3	their families;
4	"(ii) for caseworkers who provide
5	services to strengthen and preserve fami-
6	lies with children;
7	"(iii) for caseworkers who provide
8	adoption services; and
9	"(iv) for caseworkers who provide
10	family foster care services.
11	"(C) The total number of vacancies in su-
12	pervisory staff positions and in nonsupervisory
13	staff positions, and each such number expressed
14	as a percentage of each type of staff position.
15	"(D) The average rate at which super-
16	visory child welfare workers left employment,
17	and at which nonsupervisory child welfare work-
18	ers left employment.
19	"(E) The average duration of employment
20	of supervisory child welfare workers and of non-
21	supervisory child welfare workers.
22	"(F) The total number and percentage of
23	supervisory child welfare workers and of non-
24	supervisory child welfare workers who have re-
25	ceived a bachelor's or more advanced degree

1	from an institution of higher education, in the
2	aggregate, and broken down by field of study.
3	"(G) The average number of staff for
4	whom supervisory child welfare workers are re-
5	sponsible.
6	"(H) The range and scope of pre-service
7	and in-service training opportunities, including
8	numbers and percentage of supervisory child
9	welfare staff and of nonsupervisory child wel-
10	fare staff engaged in training programs.
11	"(I) The number and severity of injuries
12	and threats to child welfare workers, and the
13	strategies used to address the safety of child
14	welfare workers.
15	"(J) Data that indicates whether families
16	and children received support services (such as
17	mental and physical health care, food stamps,
18	affordable housing, and substance abuse pre-
19	vention and treatment) needed to create a sta-
20	ble home environment.
21	"(K) Such other indicators as the Sec-
22	retary may by regulation prescribe.
23	"(4) Amendment of applications.—A State
24	may at any time submit to the Secretary an amend-
25	ment to the application of the State under this sub-

1 section. On approval of such an amendment, the ap-2 plication shall be considered to include the amend-3 ment. "(c) Grants.— "(1) In General.—On certification by the Sec-6 retary that a State application for a grant under 7 this section meets the requirements of subsection (b) 8 and that implementing the activities described in the 9 application would help the State achieve some of the 10 outcomes set forth in the Final List of Child Welfare 11 Outcomes and Measures (64 Fed. Reg. 45552– 12 45554), and on approval by the Secretary of the ap-13 plication, the State shall be eligible to receive a 14 grant under this section for each fiscal year for which funds are available for such a grant. 15 "(2) Grant amount.—The Secretary shall 16 17 make a grant to each State that is eligible to receive 18 a grant under this section for a fiscal year, in an 19 amount equal to the lesser of— 20 "(A) the amount finally allotted to or re-21 served for the State under this subsection for 22 the fiscal year; or 23 "(B) 3 times the amount that the State 24 has committed to spend to carry out the activi-

ties described in the approved application.

"(3) Reservation of funds.—

"(A) Puerto rico.—The Secretary shall reserve 1.75 percent of the funds appropriated pursuant to subsection (j) for each fiscal year, for a grant to Puerto Rico under this section for the fiscal year. If, for a fiscal year, Puerto Rico does not submit to the Secretary an application that meets the requirements of subsection (b), the funds so reserved shall be available for allotment under paragraph (4) of this subsection for the succeeding fiscal year or (if the succeeding fiscal year is fiscal year 2009) remitted to the Treasury of the United States.

"(B) OTHER TERRITORIES.—The Secretary shall reserve 0.3 percent of the funds appropriated pursuant to subsection (j) for each fiscal year, for grants among the United States Virgin Islands, Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands under this section in such amounts as the Secretary deems appropriate for the fiscal year. If, for a fiscal year, none of such territories submits to the Secretary an application that meets the requirements of subsection (b), the funds so reserved shall be available for allot-

ment under paragraph (4) of this subsection for the succeeding fiscal year or (if the succeeding fiscal year is fiscal year 2009) remitted to the Treasury of the United States.

"(C) Indian tribes.—The Secretary shall reserve 2 percent of the funds appropriated pursuant to subsection (j) for each fiscal year, for grants among Indian tribes under this section in such amounts as the Secretary deems appropriate for the fiscal year. If, for a fiscal year, the Secretary does not receive from any Indian tribe an application that meets the requirements of subsection (b), the funds so reserved shall be available for allotment under paragraph (4) of this subsection for the succeeding fiscal year or (if the succeeding fiscal year 2009) remitted to the Treasury of the United States.

"(D) TECHNICAL ASSISTANCE AND EVAL-UATIONS.—The Secretary shall reserve 0.7 percent of the funds appropriated pursuant to subsection (j) for each fiscal year, to pay the costs of providing technical assistance and conducting evaluations under this section.

"(4) Allotments.—

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"(A) Initial ALLOTMENT.—From amount available to carry out this section for a fiscal year that remains after applying paragraph (3) for the fiscal year (including any amount available for allotment under this paragraph for the fiscal year after applying paragraph (3) for the preceding fiscal year), the Secretary shall initially allot to each State not described in paragraph (3) for a fiscal year an amount that bears the same ratio to the remaining amount as the number of individuals who reside in the State and have not attained 18 years of age bears to the total number of such individuals in all States not described in paragraph (3) that are eligible for a grant under this section for such most recent fiscal year.

"(B) FINAL ALLOTMENT.—The Secretary shall reduce the amount initially allotted to each State with an initial allotment under subparagraph (A) of more than \$300,000, on a prorata basis, to the extent necessary to ensure that the amount finally allotted to each such State is not less than \$300,000.

"(d) Use of Grant.—

1 "(1) In general.—

"(A) A State to which a grant is made under this section shall use the grant in accordance with the approved application for the grant.

"(B) Notwithstanding subparagraph (A), a State or Indian tribe to which a grant is made under this section shall provide grant funding to private and public child welfare agencies on a proportionate basis, based on the number of foster children, adopted children, and children in kinship care arrangements that such agencies serve in the State or in the service delivery area of the tribe, as the case may be.

- "(2) AVAILABILITY OF FUNDS.—A State that receives funds under this section shall remit to the Secretary any of such funds that remain unexpended by the State at the end of the 2-year period that begins with the date of the receipt.
- "(3) No supplementation.—A State to which a grant is made under this section shall use the grant to supplement and not supplementany Federal, State, or local funds used for child welfare services or child welfare training.

1	"(e) Monitoring.—The Secretary shall monitor the
2	activities of grantees under this section to ensure compli-
3	ance with this section and any State plan of the grantee
4	under subpart 1.
5	"(f) TECHNICAL ASSISTANCE.—The Secretary may
6	provide technical assistance to any grantee to assist the
7	grantee in improving the quality of child welfare services,
8	including strategies to recruit, train, and retain high qual-
9	ity staff, and in complying with the provisions of law re-
10	ferred to in subsection (e).
11	"(g) Enforcement.—
12	"(1) In general.—If the Secretary determines
13	that, during a fiscal year, a grantee under this sec-
14	tion has not complied with a requirement of this
15	Act, the Secretary may—
16	"(A) in the case of the 1st such determina-
17	tion of noncompliance, reduce by not less than
18	5 percent the amount of the grant otherwise
19	payable to the grantee under this section for
20	the fiscal year;
21	"(B) in the case of the 2nd such deter-
22	mination of noncompliance, reduce by not less
23	than 25 percent the amount of the grant other-
24	wise payable to the grantee under this section
25	for the fiscal year: and

1 "(C) in the case of the 3rd or any subse-2 quent such determination of noncompliance, 3 withhold the payment of a grant to the grantee 4 under this section for any succeeding fiscal 5 year, notwithstanding subsection (c).

> "(2) Recovery.—In the case of a determination under paragraph (1) of grantee noncompliance, to the extent that a penalty cannot be imposed under paragraph (1), the Secretary shall require the grantee to remit to the Secretary the amount of the penalty not able to be so imposed.

"(h) EVALUATION.—

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"(1) IN GENERAL.—Not later than September 30, 2006, the Secretary shall conduct an interim evaluation to determine whether the grantees under this section have improved the provision of child welfare services beyond the level reflected in the baseline data set forth in the applications submitted by the grantees under this section.

"(2) Matters to be addressed.—The evaluation shall include information on whether there has been a statewide improvement in the status of child permanency, child welfare, and child safety of children in the child welfare system.

- 1 "(3) METHODS.—In conducting the evaluation 2 of a grantee, the Secretary shall use the same meth-
- 3 ods that were used in considering the application
- 4 submitted by the grantee pursuant to this section.
- 5 "(4) FINAL REPORT.—Not later than Sep-
- 6 tember 30, 2008, the Secretary shall submit to the
- 7 Congress a written report that contains the final
- 8 evaluation of the Secretary.
- 9 "(i) Regulations.—The Secretary shall prescribe
- 10 such regulations as may be necessary to carry out this
- 11 section, including regulations, developed in consultation
- 12 with the States, governing how to obtain the baseline data
- 13 described in subsection (b)(3).
- 14 "(j) APPROPRIATION.—Out of any money in the
- 15 Treasury of the United States not otherwise appropriated,
- 16 there are appropriated to the Secretary not more than
- 17 \$100,000,000 for each of fiscal years 2004 through 2008
- 18 to carry out this section.
- 19 "(k) Definitions.—In this section:
- 20 "(1) Alaska Native Organization.—The
- 21 term 'Alaska Native Organization' means any orga-
- 22 nized group of Alaska Natives eligible to operate a
- Federal program under the Indian Self-Determina-
- tion Act (25 U.S.C. 450f et seq.) or the designee of
- such a group.

- "(2) CHILD WELFARE AGENCY.—The term child welfare agency' means the State agency responsible for administering subpart 1, and any public or private agency under contract with the State agency to provide child welfare services.
 - "(3) Indian tribe.—The term 'Indian tribe' means any Indian tribe, band, Nation or other organized group or community of Indians, including any Alaska Native Organization, that is recognized as eligible for the special programs and services provided by the United States to Indians because of their status as Indians.
 - "(4) Institution of Higher Education.—
 The term 'institution of higher education' has the meaning given the term in section 101 of the Higher Education Act of 1965.
 - "(5) STATE.—The term 'State' means each of the 50 States, the District of Columbia, Puerto Rico, Guam, the United States Virgin Islands, American Samoa, and the Northern Mariana Islands.".

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1	SEC. 3. INCREASE IN PAYMENT RATE FOR STATES FOR EX-
2	PENDITURES FOR SHORT TERM TRAINING OF
3	STAFF OF CERTAIN CHILD WELFARE AGEN-
4	CIES AND COURT PERSONNEL.
5	Section 474(a)(3)(B) of the Social Security Act (42
6	U.S.C. 674(a)(3)(B)) is amended to read as follows:
7	"(B) 75 percent of so much of such ex-
8	penditures (including travel and per diem ex-
9	penses) as are for the short-term training of—
10	"(i) current or prospective foster or
11	adoptive parents and the members of the
12	staff of State-licensed or State-approved
13	child care institutions providing care, or of
14	State-licensed or State-approved child wel-
15	fare agencies providing services, to foster
16	and adopted children receiving assistance
17	under this part,
18	"(ii) members of the staff of abuse
19	and neglect courts, agency attorneys, attor-
20	neys representing children, parents, or
21	guardians ad litem, or other court-ap-
22	pointed special advocates representing chil-
23	dren in proceedings of such courts,
24	"(iii) persons employed by State,
25	local, or private nonprofit child-serving
26	agencies that are working with the State

or local agency administering the State
plan under this part to keep children safe
and provide permanent families for children, and

"(iv) persons employed by State local

"(iv) persons employed by State, local, or private nonprofit child-serving agencies, in the provision of mental health services (including an overview of communication skills, of signs of normal and pathological development of children, of normal and pathological family interaction, of counseling strategies and interventions, and of community mental health resources including how and when to use such resources), in ways that increase the ability of such current or prospective parents, guardians, staff members, institutions, attorneys, advocates, and persons to provide support and assistance to foster and adopted children, whether incurred directly by the State or by contract,".

21 SEC. 4. LOAN FORGIVENESS FOR CHILD WELFARE WORK-

22 ERS.

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Part B of title IV of the Higher Education Act of 24 1965 is amended by inserting after section 428K (20 25 U.S.C. 1078–11) the following new section:

1	"SEC. 428L. LOAN FORGIVENESS FOR CHILD WELFARE
2	WORKERS.
3	"(a) Purpose.—It is the purpose of this section—
4	"(1) to bring more highly trained individuals
5	into the child welfare profession; and
6	"(2) to keep more highly trained child welfare
7	workers in the child welfare field for longer periods
8	of time.
9	"(b) Definitions.—In this section:
10	"(1) CHILD WELFARE SERVICES.—The term
11	'child welfare services' has the meaning given the
12	term in section 425 of the Social Security Act.
13	"(2) Degree.—The term 'degree' means a
14	bachelor's or graduate degree awarded by an institu-
15	tion of higher education.
16	"(c) Demonstration Program.—
17	"(1) In general.—The Secretary may carry
18	out a demonstration program of assuming the obli-
19	gation to repay, pursuant to subsection (d), a loan
20	made, insured, or guaranteed under this part or part
21	D (excluding loans made under sections 428B and
22	428C or comparable loans made under part D) for
23	any new borrower after the date of enactment of this
24	section, who—
25	"(A) completes a degree in social work or
26	related field with a focus on serving children

1	and families (as determined in accordance with
2	regulations prescribed by the Secretary);
3	"(B) obtains employment in public or pri-
4	vate child welfare services; and
5	"(C) has worked full time for the 2 con-
6	secutive years preceding the year for which the
7	determination is made as a child welfare work-
8	er.
9	"(2) Award basis; priority.—
10	"(A) AWARD BASIS.—Subject to subpara-
11	graph (B), loan repayment under this section
12	shall be on a first-come, first-served basis and
13	subject to the availability of appropriations.
14	"(B) Priority.—The Secretary shall give
15	priority in providing loan repayment under this
16	section for a fiscal year to student borrowers
17	who received loan repayment under this section
18	for the preceding fiscal year.
19	"(3) Regulations.—The Secretary is author-
20	ized to prescribe such regulations as may be nec-
21	essary to carry out the provisions of this section.
22	"(d) Loan Repayment.—
23	"(1) IN GENERAL.—The Secretary shall assume
24	the obligation to repay—

1	"(A) after the second consecutive year of
2	employment described in subparagraphs (B)
3	and (C) of subsection (c)(1), 20 percent of the
4	total amount of all loans made after date of en-
5	actment of the Higher Education Amendments
6	of 1998, to a student under this part or part
7	D;
8	"(B) after the third consecutive year of
9	such employment, 20 percent of the total
10	amount of all such loans; and
11	"(C) after each of the fourth and fifth con-
12	secutive years of such employment, 30 percent
13	of the total amount of all such loans.
14	"(2) Construction.—Nothing in this section
15	shall be construed to authorize the refunding of any
16	repayment of a loan made under this part or part
17	D.
18	"(3) Interest.—If a portion of a loan is re-
19	paid by the Secretary under this section for any
20	year, the proportionate amount of interest on such
21	loan which accrues for such year shall be repaid by
22	the Secretary.
23	"(4) Special rule.—In the case where a stu-
24	dent borrower who is not participating in loan repay-

ment pursuant to this section returns to an institu-

- 1 tion of higher education after graduation from an in-2 stitution of higher education for the purpose of ob-3 taining a degree described in subsection (c)(1)(A), the Secretary is authorized to assume the obligation 5 to repay the total amount of loans made under this 6 part or part D incurred for a maximum of two academic years in returning to an institution of higher 7 8 education for the purpose of obtaining such a de-9 gree. Such loans shall only be repaid for borrowers 10 who qualify for loan repayment pursuant to the pro-11 visions of this section, and shall be repaid in accord-12 ance with the provisions of paragraph (1).
- 13 "(5) INELIGIBILITY OF NATIONAL SERVICE
 14 AWARD RECIPIENTS.—No student borrower may, for
 15 the same service, receive a benefit under both this
 16 section and subtitle D of title I of the National and
 17 Community Service Act of 1990 (42 U.S.C. 12601
 18 et seq.).
- "(e) Repayment to Eligible Lenders.—The Sec-20 retary shall pay to each eligible lender or holder for each 21 fiscal year an amount equal to the aggregate amount of 22 loans which are subject to repayment pursuant to this sec-23 tion for such year.
- 24 "(f) Application for Repayment.—

1	"(1) In general.—Each eligible individual de-
2	siring loan repayment under this section shall sub-
3	mit a complete and accurate application to the Sec-
4	retary at such time, in such manner, and containing
5	such information as the Secretary may require.
6	"(2) Conditions.—An eligible individual may
7	apply for loan repayment under this section after
8	completing each year of qualifying employment. The
9	borrower shall receive forbearance while engaged in
10	qualifying employment unless the borrower is in
11	deferment while so engaged.
12	"(g) Evaluation.—
13	"(1) IN GENERAL.—The Secretary shall con-
14	duct, by grant or contract, an independent national
15	evaluation of the impact of the demonstration pro-
16	gram assisted under this section on the field of child
17	welfare services.
18	"(2) Competitive basis.—The grant or con-
19	tract described in subsection (b) shall be awarded on
20	a competitive basis.
21	"(3) Contents.—The evaluation described in
22	this subsection shall determine—
23	"(A) whether the program has increased
24	shild walfare workers' advention in the errors

covered by loan forgiveness;

1 "(B) whether the loan forgiveness program 2 has contributed to increased time on the job for child welfare workers as measured by (i) the 3 4 length of time child welfare workers receiving loan forgiveness have worked in the child wel-6 fare field; and (ii) the length of time such work-7 ers are continuing to work in such field after 8 they have met the requirements of the loan for-9 giveness programs;

> "(C) whether the program has increased the experience and the quality of child welfare workers and has contributed to increased performance in the outcomes of child welfare services in terms of child well-being, permanency, and safety, as determined after consultation with the Secretary of Health and Human Services.

"(4) Interim and final evaluation reports.—The Secretary shall prepare and submit to the President and the Congress such interim reports regarding the evaluation described in this subsection as the Secretary deems appropriate, and shall prepare and so submit a final report regarding the evaluation by September 30, 2008.

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- 1 "(h) AUTHORIZATION OF APPROPRIATIONS.—There
- 2 are authorized to be appropriated to carry out this section
- 3 \$10,000,000 for fiscal year 2004, and such sums as may

4 be necessary for each of the 4 succeeding fiscal years.".